

HONORABLE RICARDO S. MARTINEZ

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BERNADETTE HIGHTOWER, *on behalf
of herself and all others similarly situated,*

Plaintiff,

v.

RECEIVABLES PERFORMANCE
MANAGEMENT, LLC,

Defendant.

Case No. 2:22-cv-01683-RSM

ORDER GRANTING PLAINTIFFS'
AMENDED MOTION TO
CONSOLIDATE RELATED CASES

LAUREN SHEMEYLA, *on behalf of herself
and all others similarly situated,*

Plaintiff,

v.

RECEIVABLES PERFORMANCE
MANAGEMENT, LLC,

Defendant.

Case No. 2:22-cv-01686-RSM

ALICIA DAMON, *on behalf of herself and
all others similarly situated,*

Plaintiff,

v.

RECEIVABLES PERFORMANCE
MANAGEMENT, LLC,

Defendant.

Case No. 2:22-cv-01691-RSM

HELEN GOINS, *on behalf of herself and all
others similarly situated,*

Plaintiff,

v.

RECEIVABLES PERFORMANCE
MANAGEMENT, LLC,

Defendant

Case No. 2:22-cv-01692-RSM

LATERSHIA JONES, *on behalf of herself
and all others similarly situated,*

Plaintiff,

v.

RECEIVABLES PERFORMANCE
MANAGEMENT, LLC,

Defendant.

Case No. 2:22-cv-01715-RSM

DAVID TRISTAN, *on behalf of himself and
all others similarly situated,*

Plaintiff,

v.

RECEIVABLES PERFORMANCE
MANAGEMENT, LLC,

Defendant.

Case No. 2:22-cv-01719-TSZ

WHEREAS, the Plaintiffs in six related cases pending before this Court— *Hightower v. Receivables Performance Management, LLC*, No. 2:22-cv-01683-RSM (“*Hightower Action*”); *Shemeyla v. Receivables Performance Management, LLC*, No. 2:22-cv-01686-RSM (“*Shemeyla Action*”); *Damon v. Receivables Performance Management, LLC*, No. 2:22-cv-01691-RSM (“*Damon Action*”); *Goins v. Receivables Performance Management, LLC*, No. 2:22-cv-01692-RSM (“*Goins Action*”); *Jones v. Receivables Performance Management, LLC*, No. 2:22-cv-01715-RSM (“*Jones Action*”); and *Tristan v. Receivables Performance Management, LLC*, Case No. 2:22-cv-01719-TSZ (“*Tristan Action*”) (collectively, “Related Actions”)—agree that these actions, as well as any subsequently filed or transferred related actions, should be consolidated for all purposes including pretrial proceedings and trial pursuant to Federal Rule of Civil Procedure 42; and

WHEREAS, no counsel for Defendant Receivables Performance Management, LLC has made an appearance in the Related Actions and will not be prejudiced by consolidation; and

WHEREAS, the Complaints in the Related Actions relate to the same, common factual allegations and legal theories. The Related Actions assert multiple common causes of action

1 against the common Defendant relating to the same factual underpinnings, and seek the same relief
 2 in response to the same event; the Related Actions commonly seek certification of an overlapping
 3 nationwide class and allege that class members suffered harm as a result of the Data Breach
 4 because their PII (including Social Security numbers) was exposed to third parties without their
 5 authorization; and
 6

7 NOW THEREFORE,

8 1. The *Hightower*, *Shemeyla*, *Damon*, *Goins*, *Jones*, and *Tristan* matters currently
 9 pending in this Court, and any other action arising out of the same or similar operative facts now
 10 pending or hereafter filed in, removed to, or transferred to this Court, shall be consolidated for pre-
 11 trial purposes pursuant to Federal Rule of Civil Procedure 42 (the “Consolidated Action”).
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13 2. All papers filed in the Consolidated Action shall be filed under the *Hightower*
 14 *Action*, 2:22-cv-01683-RSM, the case number assigned to the first-filed case.

15 3. Any action subsequently filed in, transferred to, or removed to this Court that
 16 arises out of the same or similar operative facts as the Consolidated Action, shall be consolidated
 17 with the Consolidated Action for pre-trial purposes. The Parties shall file a Notice of Related
 18 Action whenever a case that should be consolidated into this action is filed in, transferred to, or
 19 removed to this District.
 20

21 4. If the Court determines that the case is related, the clerk shall:

- 22 a. Place a copy of this Order in the separate file for such action;
- 23 b. Serve on Plaintiffs’ counsel in the new case a copy of this Order;
- 24 c. Direct that this Order be served upon Defendant(s) in the new case; and
- 25 d. Make appropriate entry in the Consolidated Action.

26 5. Within 14 days of the entry of this Order, or January 5, 2023, whichever is later,

1 any counsel seeking appointment as lead counsel in the Consolidated Action will file a motion for
2 appointment under Rule 23(g). No response or reply papers will be permitted on the motions.

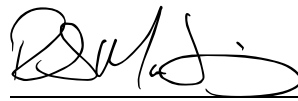
3 6. Plaintiffs shall file a Consolidated Amended Complaint no later than thirty (30)
4 days following the Court's order on the forthcoming leadership applications.

5 7. Any response to the Consolidated Amended Complaint shall be due within thirty
6 (30) days from the filing of the Consolidated Amended Complaint. All prior response deadlines
7 are vacated.

8 8. This Order shall apply to the above-captioned matters, any subsequently
9 consolidated action, any actions consolidated with the above-captioned matters, and any actions
10 filed in or transferred or removed to this Court relating to the fact and the data breach underlying
11 this litigation.
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13 IT IS SO ORDERED.
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15 DATED this 6th day of January, 2023.
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20 RICARDO S. MARTINEZ
21 UNITED STATES DISTRICT JUDGE
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